

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

vs.

Criminal No. 04-10217-GAO

DARREN WILDER,

Defendant.

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**GOVERNMENT'S OPPOSITION TO DEFENDANT'S PROPOSED VOIR DIRE  
QUESTIONS**

Now comes the United States and hereby objects to the defendant's proposed voir dire questions. As reasons therefore, the government states that many of the questions proposed by the defendant in this case are unnecessary, misleading, and/or irrelevant. The government therefore submits the following objections and responses:

**Question #s1-3** - The government has no objection to these proposed questions.

**Question #4** - The government has no objection to this proposed question, but would request that it be re-phrased to also inquire as to whether any jurors have ever been employed by any defense attorney.

**Question #5** - The government has no objection to this proposed question.

**Question #6** - The government objects to this proposed question as written. The government requests that the question be re-phrased to inquire whether any juror has ever been the victim of any serious crime, whether as an adult or as a child. The government submits that highlighting the offense of sexual assault in this question is misleading, as the defendant is not charged with any

type of sexual assault. In addition, inquiring whether a juror has ever been the victim of any crime necessarily encompasses crimes of a sexual nature.

**Question #7** - The government objects to this proposed question because, as written, it is extremely difficult to understand.

**Question #8** - The government has no objection to this proposed question.

**Question #9** - The government objects to this proposed question. As written, the question is vague and irrelevant. The defendant makes no effort to detail the type of advertisement he is seeking responses to - as such, it is impossible to effectively gauge the relevance of any particular response to this question. In other words, while a juror might respond that he/she has been disturbed by an advertisement, there is no information as to the type of advertisement that caused the disturbance. In addition, whether a juror is "offended, disgusted or otherwise disturbed" by advertisements of children in their underwear is irrelevant to this case. The defendant is not charged with possession of images of children in their underwear, and indeed the law does not criminalize possession of such an image. The government submits therefore, that the only relevant question would be whether the juror would be able to follow the Court's instructions on the law and render a fair and impartial verdict based on the law as instructed to them.

**Question #s10-13** - The government has no objection to these proposed questions.

The United States has submitted, under separate cover, proposed voir dire questions for the above referenced matter.

As stated above, the United States objects to the use of the defendant's proposed Voir Dire questions, and asks this Court to modify such questions as indicated above.

Respectfully submitted  
For the United States

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